

**TOWN OF LA POINTE
TOWN PLAN COMMISSION
PUBLIC HEARING
Held on Wednesday June 12, 2013 at 5:00 P.M.**

TOWN PLAN COMMISSION APPROVED AS AMENDED ON JUNE 19, 2013

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Greg Thury, Carey Baxter, (5).

Town Plan Commission members absent: Ron Madich, Joan Martin (2).

Public Present: Michael Starck, Dave Thomas, Holly Tourdot, Paul Brummer (4)

Town Staff Members Present: Pete Clark, Administrator, Jennifer Croonborg-Murphy, Zoning Administrator, Lisa Potswald, Zoning Administrator Assistant (3).

1. CALL TO ORDER

The Public Hearing is called to order at 5:00 p.m. June 12, 2013 by Chair Pallas. It is a Public Hearing of the Town Plan Commission regarding the text changes, Resolution 2013-0515. Chair Pallas states that roll call is not listed on the agenda distributed so we will go by the signup sheet.

2. CONFIRM POSTING/PUBLICATION

Chair Pallas asks to confirm the publication. Jennifer Croonborg-Murphy, Zoning Administrator confirms that, per the Town of La Pointe Zoning Ordinance, a resolution was passed by the Town Plan Commission allowing the changes to be proposed at a public hearing. The resolution was passed by the Town Plan Commission on 5/15/13 and attested by Peter Clark. The resolution was posted on 5/17/13. The notice was published in the Ashland Daily Press on May 29 and June 5. The notice was posted at designated locations on 5/16/13. Records for those are available upon request.

3. PUBLIC COMMENT

Chair Pallas states if you have anything to say, mention what item it is on the agenda. He likes to stay with the agenda, and if people start repeating things, we move on to something else.

Public comment is open.

Chair Pallas calls on Michael Starck.

Mike Starck states that he wants to speak on Section 3. B., Conditional Uses. He passes out copies of proposed new language for Section 7.3., and begins to discuss.

Chair Pallas stops him from speaking and states that there is nothing on the agenda for a proposed language change for Section 7.3, so it will not be talked about. It will take a whole separate hearing. One specific thing on conditional use is on the agenda.

A. Section 2 Definitions

- **Add definitions for Greenhouse, Hoophouse, Garage Shelter Canopy.**
- **Amend definition of Camping Unit.**

Dave Thomas has questions about the first page of the cover memo. There are two sentences in the paragraph that seem to contradict one another. Paraphrasing, it is not the intent to limit the size... the intent was to limit the size.

Jennifer Croonborg Murphy states that the size limit was put in the wrong location in the ordinance. If you put the size locations in the ordinance definitions, you are not allowed a garage canopy or a greenhouse that's any bigger. It was not the intent of the Town Plan Commission to limit the size, it was their intent to limit the size that needs a permit. The size limitation needs to be moved from the definition to the minor accessory structures section.

Dave Thomas asks if one has a greenhouse that size that is put up within appropriate setbacks without a permit, what's the process to put up a hoophouse and what does that permit cost? Does the additional permit cost more?

Jennifer Croonborg Murphy states you are allowed one of the structures to have a permit and the rest need land use permits at \$75 plus .25 per square foot.

Dave Thomas states that if a second hoophouse is used exclusively for agriculture with no intent to use it for anything else, subject to Zoning Administrator inspection, his suggestion is to relax the permit fee so food production is encouraged without financial burden. \$75 can be a financial burden particularly if the food is being brought to a farmer's market.

Jennifer Croonborg Murphy states that the fee schedule is reviewed annually at budget time. It is much easier to change the fee schedule than a text change, so the fee schedule is something that could be reviewed at any time.

Cary Baxter asks if Dave Thomas means just the land use fee?

Dave Thomas states that whatever the total cost is to put up a hoophouse or greenhouse within all the requirements.

Holly Tourdot states that she would ditto what Dave Thomas just said.

Dave Thomas states that some of the largest hoophouses are 40 x 90. If someone decides to put up a hoophouse with all the necessary inspections and requirements, and is intended solely for agriculture use, it would require a permit (\$75 plus the .25/square foot). He is not sure if it could be waived on a case by case basis.

Jennifer Croonborg Murphy says her initial thoughts are that if it has a slab or has their poles in tubes, it changes the intent of the structure.

Dave Thomas states that a hoophouse is meant to be a portable unit. He is making a suggestion, that if we are going to encourage agriculture on the island, maybe we should have some type of procedure to waive or consider reducing the fees.

Charlie Brummer states that now it's .25 per square foot; maybe it could be reduced to .05 or .10. per square foot.

Dave Thomas thinks to keep it down under \$100 or \$50 total cost to encourage food production on the island. Hoophouses can be picked up used between \$2,000 to \$3,000, and new, around \$12,000.

Jennifer Croonborg Murphy states that this works in places where it is easier to have agricultural districts. The Town of La Pointe doesn't have a base use allowed in those zones. Without an agricultural zone, you could be putting a hoophouse in a residential district. The Zoning Administrator would have to go back year after year to ensure that the structure was being used for the same purpose.

Dave Thomas states that he is not opposed to yearly inspections, but that the structure has to be in an appropriate setting – it doesn't make sense in a residential location. Dave has previously mentioned that we should start thinking about an agricultural district. Someone would have to inspect once a year, and maybe even take down the structure once a year, with a heavy violation fee. The intent is to encourage food production, and small fees tend to add up because the profit margin is thin.

Paul Brummer states that he echoes what Jennifer Croonborg Murphy said. He could see someone applying for a hoophouse because it's cheaper than a storage shed. He is not against sustainability or agriculture.

Dave Thomas states that procedures could be put into place.

Chair Pallas states that the structures would have to be inspected at least once a year.

Jennifer Croonborg Murphy states that if the text changes go into effect, the fee schedule would have to be reviewed carefully.

Chair Pallas states that he has seen carports get closed in and turned into cabins; we just have to monitor.

Dave Thomas states that we should monitor subject to significant penalties to keep the intent clear.

Chair Pallas asks if there are any other comments?

B. Section 4 General Provisions

- **Amend 4.2(G) Minor Accessory Structures**
- **4.2(I) Correct reference to Department of Commerce**
- **4.3(B)(3) Amend Boarding house parking requirement**
- **4.3(B)(11) Correct reference to Section 10 for consistency**

- **4.3(D)(2) amend to allow a long term camping unit on a property with a principal dwelling**

Holly Tourdot states that she likes the idea.

Dave Thomas asks how does the ordinance define long-term camping?

Jen Croonborg Murphy states that a camping unit used 30 days in a calendar year shall require a land use permit; that it doesn't have to be consecutive.

Dave Thomas asks if it is more than 30 days, then you need a permit? How much does it cost?

Jennifer Croonborg Murphy states that it costs \$75 plus .25 per square foot. Ashland County requires a permit after two weeks and a permanent sanitation system. The La Pointe zoning ordinance is less restrictive. Jennifer Croonborg Murphy would be requesting an Ashland County permit at 2 weeks and a land use permit at 30 days.

Dave Thomas states regarding sanitary requirements after 30 days; does it require a holding tank?

Jennifer Croonborg Murphy states that it has to be connected to a water source to require a holding tank. If unplumbed, it is required to have a privy (vault) or a satellite/porta potty. It must be a 200 gallon capacity or composting toilet to meet statutory requirements.

Dave Thomas asks how difficult is it to get a privy permit?

Jennifer Croonborg Murphy states that it doesn't require a master plumber. You can dig your own hole. You must dig a big enough hole and pour concrete in the bottom and use a steel or PVC culvert for a 200 gallon vault - all non-plumbed systems must be 200 gallons minimum.

Chair Pallas asks can you do that if you have holding tanks on the property?

Jennifer Croonborg Murphy replies yes. If there's a well on the property, it becomes "iffy", because you can just hook up a hose and then it's considered a plumbed structure, so then you have to be hooked to a holding tank.

Dave Thomas asks is the idea to be a 200 gallon containment, to have it pumped out after it fills?

Jennifer Croonborg Murphy replies yes, to make sure people are not dumping camping toilets in the woods, or digging holes.

Chair Pallas states that the pumpers are supposed to be keeping records of that and the Sanitary district sees those records.

Dave Thomas states that so the days where you could put up an outhouse with a small hole in the ground are gone; you have to have containment unit.

Jennifer Croonborg Murphy explains that we don't have a lot of soil dependent systems for people's homes – we don't have the soil that will work.

C. Section 5.7 Removal of Signs

- Add an “(s)” at the end of “sign”.

No comments.

D. Section 7 Conditional Uses

- Add reference to proposed Section 10 regarding conflict of interests and ex parte communication.

No comments.

E. Section 8 Administration

- 8.3(B) Amend Land User Permit Application requirements.
- 8. Amend Permit Process.

No comments.

F. Section 10 Zoning Board of Appeals: Revise entire Section.

No comments.

G. Section 15.2 Complaints – Conditional Use Permits: Amend reference to Section 7.

No comments.

H. Section 16.3 Zoning District Use Matrix

- Correct “aircraft/airplane hangar” to a permitted use.

No comments.

4. ADJOURN

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 5:17 p.m.

Town Plan Commission Public Hearing minutes respectfully submitted by Lisa Potswald, ZAA, on Tuesday, June 18, 2013.